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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 64/176 of 18 December 2009,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 64/176,[3] which highlights further negative developments in the human rights situation in the Islamic Republic of Iran, including an intensified crackdown on human rights defenders and reports of excessive use of force, arbitrary detentions, unfair trials and allegations of torture;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/65/370.

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(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence and dramatic increase in the carrying out of the death penalty in the absence of internationally recognized safeguards, including public executions, notwithstanding a circular from the former head of the judiciary prohibiting public executions;

(c) The continuing imposition and carrying out of the death penalty against persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[4] and the International Covenant on Civil and Political Rights;

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) Stoning and suspension strangulation as a methods of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding a circular from the former head of the judiciary prohibiting stoning;

(f) Pervasive gender inequality and violence against women, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly and continuing discrimination against women and girls in law and in practice;

(g) Continued discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic, recognized religious or other minorities, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders;

(h) Increased incidents of persecution against unrecognized religious minorities, particularly members of the Baha'i faith, including attacks on Baha'is, including in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'i faith from attending university and from sustaining themselves economically, the confiscation and destruction of their property, the vandalizing of their cemeteries and the sentencing of seven Baha'i leaders to ten years imprisonment despite being repeatedly denied the due process of law that they are constitutionally guaranteed, including the right to timely and adequate access to legal representation of their choice and to a fair and open trial;

(i) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, political opponents, human rights defenders, lawyers, journalists, Internet providers, Internet users, bloggers, clerics, artists, academics, students, labour leaders and trade unions, from all sectors of Iranian society;

(j) Continued harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, as well as violent repression of, inter alia, political opponents, human rights defenders, lawyers, journalists and other media representatives, Internet providers, Internet users, bloggers, clerics, academics, students and labour leaders from all sectors of Iranian society, noting in

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

particular the continued harassment and detention of staff members of the Defenders of Human Rights Centre;

(k) The continued use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of expression and freedom of peaceful assembly and of association;

(l) Severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and the arbitrary demolition of places of worship;

(m) Persistent failure to uphold due process of law, and violations of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, the lack of access to legal representation of their choice, the refusal to consider granting bail to detainees, as well as reports of detainees being subjected to torture, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(n) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals in particular related to private homes, and with their correspondence, including voicemail and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure the Government of the Islamic Republic of Iran to conduct any comprehensive investigation or to launch an accountability process for alleged violations in the period following the presidential elections of 12 June 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[5] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and to accord the seven Baha'i leaders held since 2008 the due process of law and rights that they are constitutionally guaranteed, including the right to adequate legal representation and the right to timely, fair and open legal proceedings;

(h) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(i) To end restrictions placed on Internet users and Internet providers that violate the rights of freedom of expression, association and privacy;

(j) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(k) To end the use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of their rights to freedom of expression, peaceful assembly and association;

(l) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

5. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[6]

6. *Further calls upon* the Government of the Islamic Republic of Iran to consider ratifying or acceding to the international human rights treaties to which it is not already a party, to effectively implement those human rights treaties to which it is already a party and to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty;

7. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

8. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not

[5] See E/CN.4/1996/95/Add.2.

[6] Resolution 48/134, annex.

fulfilled any requests from those special mechanisms to visit the country in five years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can take place;

9. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review, with the full and genuine participation of civil society and other stakeholders;

10. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

11. *Requests* the Secretary-General to report to it at its sixty-sixth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its sixteenth session;

12. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-sixth session under the item entitled "Promotion and protection of human rights".